

SUPPORT FOR THE AMENDMENT

Claims 1-6 are currently amended.

Claim 7 is canceled without prejudice or disclaimer.

Claims 8-19 are added.

Support for the amendment to claims 1-6 can be found in the specification at page 4, lines 2-3, as originally filed. Claims 1 and 2 have also been amended for minor editorial purposes.

Support for claim 8 can be found in the specification at page 16, lines 1-2, as originally filed.

Support for claims 9 and 10 can be found in the specification at page 12, lines 15-17, as originally filed.

Support for claims 11-14 can be found in the specification at page 14, lines 18-22, as originally filed.

Support for claims 18 and 19 can be found in the specification at page 15, lines 9-12, as originally filed.

No new matter has been added by the amendments.

Upon entry of the amendments, claims 1-6, and 8-19 will be pending in the present application.

INTERVIEW SUMMARY

Applicants wish to thank Examiner Watkins for the courtesies extended to Applicants' representative and Mr. You Miyake of the Kuraray Co., Ltd. at the interview held on March 9, 2006. At that time, Applicants' representative discussed an amendment to overcome the rejection under 35 U.S.C. § 112, second paragraph. Applicants' representative also discussed the differences between the cited references, and why it would not be obvious to combine the references. Applicants thank the Examiner for his indication that the proposed amendment is acceptable, and that arguments regarding the references will be considered in full. The following remarks further expands upon the discussion with the Examiner.

REQUEST FOR RECONSIDERATION

The claimed invention relates to a ball, at least a part thereof being made of an artificial leather, as recited in amended claim 1. In particular, the ball of claim 1 comprises:

a fiber-entangled fabric and a porous surface layer disposed on a surface of the fiber-entangled fabric, the porous surface layer having a pattern formed by a plurality of outwardly projecting pebbles and valleys between the pebbles; and

a plurality of microholes having an average diameter of 5 to 100 μ m being formed on surfaces of the pebbles, but the microholes being substantially not formed on surfaces of the valleys.

The rejection of claims 1-7 under 35 U.S.C. § 103(a) as being obvious over Guenther et al. (U.S. Patent No. 6,024,661) in view of Okawa et al. (JP 06-264369A) is respectfully traversed.

The Guenther et al. reference does describe or suggest a ball of the claimed invention that contains “a plurality of microholes having an average diameter of 5 to 100 μ m being formed on surfaces of the pebbles, but the microhole being substantially not formed on surfaces of the valleys.” (Present claim 1). Moreover, Okawa et al. reference does not cure these deficiencies, since it does not relate to a ball or an artificial leather specifically useful for a game ball, or describe a ball having the microhole arrangement of the claimed invention.

The Non-Analogous Considerations of the References

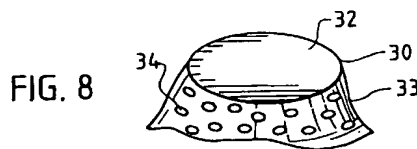
As acknowledged by the Examiner, the Guenther et al. reference describes a pebbled synthetic leather surface with micron sized pores in the sides on the pebbles in order to allow moisture permeability in a game ball surface, e.g., “pebbled surface of a basketball.” (See, e.g., column 1, line 61 through column 2, line 5).

In contrast, the Okawa et al. reference does not describe a ball or a material useful for game whatsoever. Specifically, Okawa et al. generally relates to a nubuck artificial leather having convex portions and concave portions with different color tones, which imitate the excellent aesthetic appearance of natural nubuck leathers (see abstract). The nubuck artificial leather described in the reference is intended to be used as shoes upper materials, shoes sub-materials, base materials for clothes, component materials for clothes, and material for pouches (see [0002] of the machine-generated translation of Okawa et al., provided herewith for the Examiner's convenience). In particular, as compared to Guenther et al. and the claimed invention, Okawa et al. relates to a totally different field of endeavor, requiring variant and non-analogous considerations and involving different objectives.

Therefore, in light of these non-analogous considerations and objectives, one would not combine the disclosures of Guenther et al. and Okawa et al. to arrive at the claimed invention.

The Different Arrangements of the Microholes

The Guenther et al. reference describes the surface of the synthetic leather as having a pebbled surface, which "includes outwardly projecting pebbles 30 . . . which are separated by valleys." (Column 3, lines 49-53). Moreover, [e]ach individual includes a generally flat outer surface 32 and a generally frusto-conical side surface 33." (Column 3, lines 53-55). However, the flat outer surface 32 is "non-porous." (Column 4, line 9). The flat non-porous flat outer surface 32 is also demonstrated by Figure 8 of the reference, reproduced below for the Examiner's convenience.



According to the reference, the outer surface 32 of the pebbles is substantially impervious to moisture or non-porous in order to provide “good durability.” (Column 4, lines 7-11). Therefore, the reference teaches away from the formation of pores or microholes on the surfaces of the pebbles.

In contrast, the Okawa et al. reference describes open pores throughout the entire surfaces of the convex portions of the artificial leather, in order to obtain the nubuck appearance (see [0017] and [0021] of the machine-generated translation).

Therefore, Guenther et al. and Okawa et al. are clearly contradictory to each other with respect to the formation of pores on the outer surfaces of convex pebbles, which is attributable to the respective variant uses of the artificial leather. Namely, the durability is important in Guenther et al. because the balls are used under physically severe conditions, whereas the aesthetic appearance is important for nubuck artificial leathers as described in Okawa et al.

The Present Invention

In contrast to Guenther et al. and Okawa et al., the present invention requires a ball that includes, *inter alia*, “a plurality of microholes having an average diameter of 5 to 100 μm being formed on surfaces of the pebbles, but the microholes being substantially not formed on surfaces of the valleys.” (Present Claim 1). Such a ball is “free from slip due to moisture such as sweat and rain, [is] excellent in the handling properties, and having a sufficient abrasion resistance and mechanical strength.” (Present specification at page 3, lines 10-15). Moreover, the microholes formed on “the top surface of each pebble and its vicinity by . . . buffing the pebbles in view of resistance to dirt and prevention of lost of the pebbled pattern in a long-term use.” (Present specification at page 14, lines 25-28). Further, microholes are not substantially formed on surfaces of the valleys, since “dirt easily deposits [in the] valley

between the pebbles, particularly to the side surface of the pebbles and is difficult to be removed[, which reduces] the effect of sweat absorbing and make[s] the surface touch poor.” (Present specification at page 3, lines 3-7). As the cited references, alone or in combination, do not describe or suggest a ball having the above-mentioned structure of the claimed invention, the claimed invention is novel and non-obvious over the references.

Accordingly, withdrawal of the rejection is requested.

Applicants further submit that new claims 8-19 are not novel and non-obvious over the cited references, since they depend directly or indirectly from claim 1, and the references do not describe or suggest a ball having the added structural features of these claims.

The rejection of claims 1-7 under 35 U.S.C. § 112, second paragraph is obviated by amendment.

Claim 1 has been amended to remove the phrase “leather-like” in the preamble. As shown and discussed above, the preamble language recites “[a] ball at least a part thereof being made of an artificial leather.”

Accordingly, withdrawal of the rejection is requested.

Applicants submit that this application is now in condition for allowance and early notification of such is earnestly solicited.

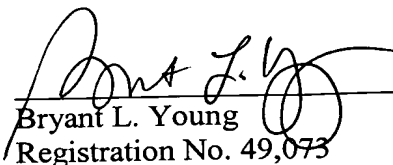
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)


Bryant L. Young
Registration No. 49,073